

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," together with the report of the committee recommending its passage, was taken up. The bill was read second time; rules suspended, read third time and passed.

Senator Fountain offered the following resolution:

WHEREAS, This being the anniversary of the natal day of Texan independence, should be regarded and observed as a holiday by this Legislature; therefore,

Resolved, That in honor of the day the Senate stand adjourned until 9 o'clock to-morrow morning.

The resolution was read and adopted by the following vote:

Yeas—Senators Baker, Ball, Broughton, Dohoney, Fountain, Franks, Gaines, Hall, Latimer, Pyle, Shelley, Swift, Tendick and Word—14.

Nays—Senators Avinger, Dillard, Ford, Henry, Sayers, and Tracy—6.

SENATE CHAMBER.

AUSTIN, TEXAS, April 22, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

On motion of Senator Avinger, Senator Latimer was excused from attendance on the Senate for to-day.

Senator Dohoney, chairman of the Joint Select Committee on the part of the Senate, submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: The undersigned members of your joint select committee of the Senate and House of Representatives, to whom was referred the concurrent resolution of the two houses, "To take into consideration the question of a general election during the present year, and to report by bill or otherwise," have had the same under careful consideration, and herewith report the same back with

the accompanying bill, and respectfully recommend its passage.

E. L. DOHONEY,
JOHN L. HENRY,

Senate Committee.

D. M. PRENDERGAST,

E. J. SHELTON,

JAMES ARMSTRONG,

House Committee.

Senator Dohoney moved a suspension of the rules to consider the report. The motion was carried by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Dillard, Dohoney, Henry, King, Pyle, Sayers, Shelley, Swift, Tendick, Word and Mr. President—14.

Nays—Senators Baker, Ford, Fountain, Franks, Gaines, Randle and Tracy—7.

On motion of Senator Dohoney, the bill was made the special order for 10:30 o'clock A. M., to-morrow, and one hundred copies ordered printed.

Senator Shelley, chairman of the Committee on Finance, submitted the following report :

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred the consideration of Senate bill No. 269, entitled "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of discharging the present outstanding liabilities of said county," have had the same under consideration, and beg leave to report the accompanying substitute, and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Shelley, chairman of the Committee on Constitutional Amendments, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 20, "Providing for the election of delegates to a constitutional convention, and fixing the time for the assemblage of the same," have had the matter under consideration, and I am instructed to report it back with the accompanying substitute, and recommend the adoption and passage of the substitute.

N. G. SHELLEY, Chairman.

The undersigned makes the report above under instruction of the committee, but does not concur therein.

N. G. SHELLEY.

On motion of Senator Dillard, the rules were suspended, the report and resolution taken up and made special order at 11:30 o'clock next Friday.

Senator Fountain submitted the following majority report of Judiciary Committee No. 1.

Hon. E. B. Pickett, President of the Senate:

SIR: A majority of your Judiciary Committee No. 1, to whom was referred House bill No. 662, entitled "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," ask leave to report the same back to your honorable body, and recommend its passage with the accompanying amendments.

A. J. FOUNTAIN,
HENRY C. KING,
W. J. BALL.

Amend by striking out the county of Cooke wherever it occurs in the bill and insert Montague.

Amend section two by adding to the section the words, "or to any of the residents of the first precinct of the county of Parker, or to any of the residents of those portions of the counties of Hood and Erath lying east of the following described line, to wit: Commencing at the mouth of Long creek, in Hood county, on the west side of the Brazos, thence on a direct line to the southwest corner of the J. Sovereign survey of eight and one-third labors of land in said county, on the west boundary line of the said county of Hood; thence on a direct line to the west corner of the J. Merritt survey of three hundred and twenty acres of land in the county of Erath, on the southwest boundary line of the said county of Erath."

On motion of Senator Fountain, the rules were suspended and the bill and majority report taken up and made special order at 10:30 o'clock A. M., Thursday next.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to

whom was referred Senate bill No. 293, to be entitled "An act for the relief of A. Howell," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

W. H. SWIFT, Chairman.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 165, having had the same under careful consideration, instruct me to report it back to the Senate with the recommendation that it do pass.

D. W. COLE, Chairman.

Senate joint resolution No. 29, to appoint three commissioners to examine and report the most eligible site for the permanent establishment of the Agricultural and Mechanical College of Texas, together with the report of the committee recommending its passage, was taken up, and on motion of Senator Saylor the bill was indefinitely postponed by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Randle, Saylor, Sayers, Shelley, Tendick and Tracy—18.

Nays—Senators Avinger, Dillard, Ford, Henry, King, Swift, Word and Mr. President—7.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, April 21, 1873.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I ask leave of your honorable body to withdraw the name of A. G. Nolen, sent you for confirmation as notary public of Lavaca county (as I am informed he declines to act), and substitute therefor the name of Henry K. Judd, and ask your advice and consent to his appointment as notary public for Lavaca county.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Baker the request was granted. Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 48, entitled "An act regulating juries," instruct me to report the same back and recommend its passage, with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend by striking out the first section, and changing numbers of the other sections.

Amend section two (one), line three, by inserting after the word "counties," the words "of good moral character."

Amend by adding at the end of section three (two) the words, "*provided*, no person shall be so selected or permitted, or required to serve oftener than once in two years on such jury."

Amend section six (five), line five, by striking out the words, "as now required by law," and inserting the following: "By summoning the juror in person, or by leaving a written summons for him at his usual place of abode, with some person over fourteen years of age; and should such officer willfully, corruptly or negligently fail or refuse to summon any person named in such venire, he shall be considered to be in contempt of court, and shall be fined not less than five dollars for each person so omitted to be summoned."

Amend section eight, line five, by inserting after the word "millers," the words, "telegraph operators actually employed on working telegraph lines, firemen belonging to regularly organized fire companies, supplied with engines and necessary appliances, doing duty in incorporated towns and cities."

On motion of Senator Franks, the rules were suspended, the bill and report taken up, and one hundred copies ordered printed and made special for Thursday next at 11 A. M.

Senator Ford moved a suspension of the rules to take up out of its order Senate bill No. 182, "An act making an appropriation to pay certain unpaid contingent expenses of the Twelfth Legislature."

The Senate refused to suspend the rule by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle and Tendick—9.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney,

Finlay, Henry, King, Sayers, Shelley, Swift, Tracy and Word—13.

On motion of Senator Broughton, House bill No. 236, "An act to repeal an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870; also to repeal an act to amend an act to establish a State police, and provide for the regulation and government of the same, approved May 2, 1871," together with a message from the Governor vetoing the same, was taken up.

On motion of Senator Gaines, a call of the Senate was ordered.

Upon calling the roll it appeared that the Senate was full.

The bill was, upon consideration, then passed, notwithstanding the objections of the Governor, by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Franks, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—18.

Nays—Senators Baker, Fountain, Gaines, Hall, Randle, Ruby, Tendick and Tracy—8.

When Senator Ford's name was called, he stated that he would vote to sustain the veto, but was paired off with Senators Latimer and Evans.

Senate bill No. 167, "An act to incorporate the Jefferson Institute," was taken up.

Senator Fountain proposed to amend section one, line one, by striking out the words "Senate and House of Representatives," and inserting the word "Legislature." Also, to amend section one, line two, by striking out the words "general assembly convened." Adopted.

The bill was then read second time and ordered engrossed; rules suspended, read third time and passed.

House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," taken up.

The bill was read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—20.

On motion of Senator Fountain, the rules were suspended to take up out of its order Senate bill No. 254, "An act to incorporate the city of El Paso." The bill was read second time and ordered engrossed; rules further suspended, the bill read third time and passed.

By leave, Senator Pyle introduced a bill to be entitled "An act for the relief of R. C. Hunt." Read first time, and referred to Judiciary Committee No. 1.

Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," together with the report of the committee, recommending amendments, was taken up. The bill was read second time.

Senator Dohoney moved the adoption of the amendments.

Senator Tendick moved that the bill be indefinitely postponed.

Senator Dohoney moved a call of the Senate. Call sustained.

Absent—Senators Gaines, Ruby and Mr. President.

Senator Ford moved that Senator Gaines be excused.

Carried.

The Senate being full on the appearance of Senator Ruby and Mr. President, the call was suspended, and on motion of Senator Dohoney, the bill was recommitted to Judiciary Committee No. 1.

On motion of Senator Dohoney, Senate bill No. 268, "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail, and to issue bonds for that purpose," was taken up. The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Ruby, Senate joint resolution No. 32, "Instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston," was taken up, and referred to the Committee on State Affairs.

By leave, Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 457, to be entitled "An act for the relief of Michael B. Boteham," having

carefully considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

Senate bill No. 163, "An act for the relief of Wm. W. Wallace," was read second time and ordered engrossed.

On motion of Senator Swift, the rules were suspended, the bill read third time and passed by the following two-thirds vote :

Yeas—Senators Avinger, Cole, Dillard, Dohoney, Ford, Finlay, Franks, Henry, King, Pyle, Randle, Sayers, Shelley, Swift and Word—15.

Nays—Senators Baker, Hall, Ruby, Tendick and Tracy—5.

Senate bill No. 172, "An act to provide for the assessment and collection of taxes on railroad companies," together with substitute recommended by the Committee on Finance, was taken up, and on motion of Senator Shelley, the substitute was adopted, one hundred copies ordered printed, and made special order at 11 o'clock A. M. next Monday.

Senate bill No. 196, "An act to provide for the payment of the registered indebtedness of the several counties of this State," together with the report of the committee recommending that the bill do not pass, was taken up, and on motion of Senator Pyle, the report adopted.

On motion of Senator Ford, the Senate went into executive session.

Executive session rose.

In the Senate.

On motion of Senator Ruby, the secretary of the Senate was requested to inform his Excellency the Governor that the Senate does advise and consent to the appointments as notaries public :

S. W. Weaver, Shelby county.

J. J. Carry, Rusk county.

Hugo Brosig, Galveston county.

W. B. Lacy, Wharton county.

H. L. Rankin, Austin county.

J. H. Catlin, Austin county.

J. H. Letherman, Austin county.

S. R. Blake, Austin county.

E. T. Josey, Walker county.

T. C. Buffington, Grimes county.

A. F. Rea, Grimes county.
A. J. Bird, Robertson county.
M. Hoag, Robertson county.
I. Schmeidler, Robertson county.
John L. Dyer, McLennan county.
W. A. Taylor, McLennan county.
John Rosenheimer, Bexar county.
Julius Hayer, Bexar county.
J. S. Lockwood, Bexar county.
Otto Gross, Comal county.
A. Zoeler, Kendall county.
B. F. Glover, Burnet county.
J. F. Cooper, Burnet county.
W. F. Wilson, Panola county.
A. H. Rowlett, Panola county.
Joseph Harris, Panola county.
Wm. Murray, Panola county.
C. A. Russell, Panola county.
John Moore, Newton county.
B. H. Griner, Newton county.
B. F. Harris, Johnson county.
B. D. Simpson, Johnson county.
J. B. Head, Johnson county.
W. O. Meniffee, Johnson county.
H. H. Richards, Johnson county.
W. M. Jackson, Montague county,
Senator Ruby offered the following resolution, which
was adopted:

Resolved, That the sergeant-at-arms of the Senate be
and he is hereby authorized and required to obtain daily,
for the use of this body, twenty pounds of ice, and that
the payment of the same be approved and allowed in
the usual manner, from the contingent expense fund of
the State.

On motion of Senator Ruby, the Senate adjourned to
10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Baker, Cole, Ford, Henry, King, Ruby,
Shelley and Tendick—8.

Nays—Senators Avinger, Dillard, Dohoney Finlay,
Flanagan, Fountain, Sayers and Word—8.